

**UNITED STATES DISTRICT COURT  
MIDDLE DISTRICT OF FLORIDA  
TAMPA DIVISION**

**UNITED STATES OF AMERICA,**

**Plaintiff,**

**v.**

**Case No. 8:03-cr-77-T-30TBM**

**GHASSAN ZAYED BALLUT, et al.,**

**Defendants.**

\_\_\_\_\_ /

**REPORT AND RECOMMENDATION**

THIS MATTER is before the court by referral from the Honorable James S. Moody for a Report and Recommendation on **Defendant Ghassan Ballut's Ex Parte Motion for Allocation of Funds under the Criminal Justice Act for Scanning of Discovery Documents** (Doc. 551). A hearing on the matter was conducted on August 17, 2004, and the court has received additional information from defense counsel *ex parte*.

By this motion, counsel for Mr. Ballut seeks authorization for funds to pay his client's pro rata share<sup>1</sup> of the total estimated cost of services by the Pegasus Global Corporation d/b/a Pegasus Print and Copy Center, Inc., (hereinafter "Pegasus"), for scanning discovery documents to CDs and other services to facilitate the review, storage, and retrieval of such documents by the Defendant and counsel during the ongoing discovery phase of this

---

<sup>1</sup>Counsel for Mr. Al-Arian and Mr. Fariz will share in the costs of this project.

cause, as well as at trial. The original estimated total cost of these services was \$59,000.00. Through counsels' own efforts and after discussions with the court, the estimated budget for these services is now \$38,000.00.<sup>2</sup>

As reflected in the court file, the court has previously determined Mr. Ballut to be indigent for purposes of these proceedings. In accordance with the provisions of the Criminal Justice Act, 18 U.S.C. § 3006A, he may seek funds to pay for services necessary for adequate representation. As has been discussed repeatedly in prior orders, discovery in this case is voluminous, involving thousands of pages of tangible documents and an estimated twenty thousand hours of intercepted wire communications. After careful consideration of the proposal, I conclude that the project offers defense counsel perhaps their only possibility of organizing the discovery in a manner which will allow them to effectively consult with their clients and to respond efficiently and effectively during the remaining period prior to the scheduled January 2005 start of trial. As envisioned, the project should also streamline the presentation of evidence at trial.<sup>3</sup> Thus, I find the costs are necessary and appropriate to an adequate defense in this cause. Accordingly, I recommend that the district court grant the

---

<sup>2</sup>According to counsel, this sum is adequate to fully fund this project as it is now conceived. It is possible, depending on the length of the pretrial period and trial, that additional sums could be necessary to keep the website up and running. These future costs, which are speculative at this point, have been deleted from the estimate and will be addressed later if necessary. Thirty percent of the sum sought would be required "up front" to satisfy Pegasus' requirement of a thirty percent retainer fee.

<sup>3</sup>In effect, the proposal will create a digital library of the discovery and permit counsel to call up material on a secure site or by use of CDs as necessary.

motion and recommend the approval of \$12,666.00 in costs for this purpose thereby permitting Mr. Ballut's counsel to contract with and direct payment to Pegasus.

Respectfully submitted on this  
20th day of August 2004.



THOMAS B. McCOUN III  
UNITED STATES MAGISTRATE JUDGE

#### **NOTICE TO PARTIES**

Failure to file written objections to the proposed findings and recommendations contained in this report within ten days from the date of its service shall bar an aggrieved party from attacking the factual findings on appeal and a *de novo* determination by a district judge. 28 U.S.C. § 636(b)(1); Fed. R. Civ. P. 72; M.D. Fla. R. 6.02; see also Fed. R. Civ. P. 6; M.D. Fla. R. 4.20.

Copies to:  
United States District Judge  
Counsel of Record